

SENATE BILL 442

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CF 2lr2690

By: **Senator Colburn**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Local Projects – Funding for Development**

3 FOR the purpose of limiting the dispersal of certain Program Open Space funding to
4 the costs associated with development projects and the construction of
5 recreational facilities under certain circumstances; repealing a certain
6 requirement that, to obtain a certain percentage of State funding, certain land
7 acquired within a priority funding area be limited in the amount of impervious
8 surface on the land; exempting certain indoor recreational facilities from certain
9 funding limits; and generally relating to development of local projects under
10 Program Open Space.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 5–905(c)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2011 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Natural Resources**

19 5–905.

20 (c) (1) (i) One half of any local governing body’s annual apportionment
21 shall be used for acquisition or development projects provided that up to 20 percent of
22 the funds authorized for acquisition or development projects under this subparagraph
23 may be used for capital renewal as defined in § 5–901 of this subtitle.

24 (ii) If the Department and the Department of Planning certify
25 that acquisition goals set forth in the current, approved local land preservation and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 recreation plan have been met and that such acreage attainment equals or exceeds the
2 minimum recommended acreage goals developed for that jurisdiction under the
3 Maryland Land Preservation and Recreation Plan, a local governing body may use up
4 to 100 percent of its future annual apportionment for development projects, provided
5 that up to 20 percent of the funds authorized for use for development projects under
6 this subparagraph may be used for capital renewal.

7 (iii) If a county determines that it qualifies for the additional
8 funds for development and capital renewal projects under subparagraph (ii) of this
9 paragraph, before the due date for all local governing bodies to submit revised local
10 land preservation and recreation plans, that county may submit an interim local land
11 preservation and recreation plan:

12 1. Prior to the submission under subsection (b)(2) of this
13 section; and

14 2. In addition to the submission required under
15 subsection (b)(2).

16 (iv) If a county qualifies for the additional funds for development
17 projects under subparagraph (ii) of this paragraph, 25% of the funds may be used only
18 for:

19 1. Land acquisition;

20 2. Repair or renovation of existing recreational facilities
21 or structures; or

22 3. Subject to subparagraph (ii) of this paragraph, capital
23 renewal.

24 (2) The State shall provide 100 percent of the total project cost of each
25 approved local acquisition project or, if federal funds are provided, 100 percent of the
26 difference between the total project cost and the federal contribution.

27 (3) (i) Except as provided in subparagraph (iii) of this paragraph, if
28 the local governing body is unable to obtain federal funds pursuant to § 5-906 of this
29 subtitle, for each approved local development project the State shall provide:

30 1. 75 percent of the total project cost; or

31 2. If the Department has certified pursuant to
32 paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the
33 total project cost.

34 (ii) Except as provided in subparagraph (iii) of this paragraph, if
35 federal funds are provided on any [acquisition or] development project cost, the State

1 shall provide 50 percent of the difference between the total project cost and the federal
2 contribution. Subject to the limitation that total State funds, when added to every
3 other available fund, may not exceed 100 percent of a project's cost, the minimum
4 State contribution to a project shall be 25 percent. If the federal funds are less than 50
5 percent of the total project cost, the State shall provide an amount equal to the
6 difference between the federal contribution and:

7 1. 75 percent of the total project cost; or

8 2. If the Department has certified pursuant to
9 paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the
10 total project cost.

11 (iii) 1. [Subject to the requirement in subsubparagraph 3 of
12 this subparagraph, if] **IF** a local governing body uses its funds appropriated under §
13 5-903(b)(1) of this subtitle to [acquire land] **BUILD A RECREATIONAL FACILITY**
14 within a priority funding area, as defined in § 5-7B-02 of the State Finance and
15 Procurement Article, the State shall provide 90 percent of the total project cost.

16 2. **[If] SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS**
17 **SUBPARAGRAPH, IF** a local governing body uses its funds appropriated under §
18 5-903(b)(1) of this subtitle to construct an indoor recreational facility that is not
19 ancillary and necessary for outdoor recreation, and will be located outside of a priority
20 funding area, as defined in § 5-7B-02 of the State Finance and Procurement Article,
21 the State shall provide 50 percent of the total project cost.

22 [3. The State shall provide 90 percent of the total project
23 cost under subsubparagraph 1 of this subparagraph if the local governing body agrees
24 to limit the amount of impervious surface on the land acquired within a priority
25 funding area, as defined in § 5-7B-02 of the State Finance and Procurement Article,
26 to no more than 10 percent of the land.]

27 **3. THE 50% FUNDING LIMIT UNDER**
28 **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH DOES NOT APPLY IF THE**
29 **INDOOR RECREATIONAL FACILITY IS DESIGNED TO SERVICE TWO OR MORE**
30 **PRIORITY FUNDING AREAS CONSISTENT WITH THE COMPREHENSIVE PLAN OF**
31 **THE LOCAL GOVERNMENT AS VERIFIED BY THE LOCAL PLANNING AND ZONING**
32 **AGENCY.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2012.